

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S & P INVESTMENT GROUP, LLC,

Plaintiff,

v.

KINGDOM MATERIALS HOLDINGS LLC,
et al.,

Defendants.

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 1-28-21**

20-CV-2112 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On December 18, 2020, the Court ordered the parties to submit a letter detailing the citizenship of each of their members. Dkt. 21. Defendant Kingdom Resources, LLC, did not comply, Dkt. 27, and Defendant Kingdom Materials Holdings—which had already provided the Court with the required citizenship information for its members—submitted a letter informing the Court that it and Defendant Kingdom Resources are not affiliated. Dkt. 29. It appears that Defendant Kingdom Resources has not participated in this litigation at all thus far. The docket reflects that no attorney has appeared on behalf of Kingdom Resources, nor has Kingdom Resources filed any documents or responded to any court orders.

Plaintiff is thus ordered to advise the Court of how it intends to proceed against Defendant Kingdom Resources, LLC. No later than February 5, 2021, Plaintiff must submit a letter explaining whether it considers Kingdom Resources LLC a party to this litigation and whether it intends to pursue its claims against it. If Plaintiff does intend to proceed against Kingdom Resources, then it must provide to the Court the citizenship of each of Kingdom Resources' members given that the Court requires this information to determine whether it has jurisdiction over this action pursuant to 28 U.S.C. § 1332. *See Briarpatch Ltd., L.P. v. Phoenix Pictures, Inc.*, 373 F.3d 296, 302 (2d Cir. 2004) (“The citizenship

requirement for diversity jurisdiction has been interpreted to mean complete diversity so that each plaintiff's citizenship must be different from the citizenship of each defendant."); *Catskill Litig. Trust v. Park Place Entm't Corp.*, 169 F. App'x 658, 659 (2d Cir. 2006) (The citizenship of an LLC "is determined by reference to the citizenship of its members.").

This is the Court's second attempt to obtain this information from Plaintiff. *See* dkt. 30. Plaintiff is reminded that failure to comply with a court order may result in sanctions against it. *See Agiwal v. Mid Island Mortg. Corp.*, 555 F.3d 298, 302 (2d Cir. 2009).

SO ORDERED.

Dated: January 28, 2021
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

RONNIE ABRAMS
United States District Judge